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6 *Attorneys for Complainant*

7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2011-138

12 **LORI JEAN KLEES**
10959 Rochester Avenue, Apt. 302
13 Los Angeles, CA 90024

A C C U S A T I O N

14 **Registered Nurse License No. 713897**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about October 12, 2007, the Board of Registered Nursing (Board) issued
23 Registered Nurse License No. 713897 to Lori Jean Klees (Respondent). The Registered Nurse
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on July 31, 2011, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 490 states:

“(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

“(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

“(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

5. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2761 states:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

“(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

“(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.”

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1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of a Substantially-Related Crime)**

5 11. Respondent is subject to disciplinary action under sections 2761, subdivisions (a) and
6 (f) and 490, as defined in California Code of Regulations, title 16, section 1444, in that
7 Respondent has been convicted of a crime that was substantially related to the qualifications,
8 functions or duties of a registered nurse, as follows:

9 a. On or about August 24, 2009, after pleading *nolo contendere*, Respondent was
10 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
11 [driving while having a 0.8% or higher blood alcohol content], in the criminal proceeding entitled
12 *The People of the State of California v. Lori Jean Klees* (Super. Ct. Los Angeles County, 2009,
13 No. 9WA24151). Respondent was placed on a period of 36 months probation, and fined. The
14 circumstances surrounding the conviction are that on or about July 23, 2009, during a traffic
15 enforcement stop by a Santa Monica Police Officer, for making an illegal u-turn violation and a
16 collision investigation, Respondent was found to be driving a vehicle, while having a 0.8% and
17 more, by weight, of alcohol in her blood. The officer smelled the odor of an alcoholic beverage
18 coming from inside Respondent's vehicle. Respondent's speech was slow and loud, her eyes
19 were bloodshot and watery, and her face was flushed. Respondent admitted to having two drinks,
20 and failed the Horizontal Gaze Nystagmus given by the officer. Respondent had difficulty
21 keeping her head still. Respondent was subsequently convicted of violating Vehicle Code section
22 23152, subdivision (b) [driving while having a 0.8% or higher blood alcohol content].

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Dangerous Use of Alcohol)**

25 12. Respondent is subject to disciplinary action under sections 2762, subdivisions (b) and
26 (c), in that Respondent used alcoholic beverages to an extent or in a manner dangerous or
27 injurious to herself, and the public. Respondent drove a vehicle, while having a 0.8% or higher
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1 blood alcohol content. Complainant refers to, and by this reference incorporates, the allegations
2 set forth above in paragraph 11, as though set forth fully.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Conviction Involving the Consumption of Alcohol)**

5 13. Respondent is subject to disciplinary action under section 2761, subdivisions (a) and
6 (f), as defined in section 2762, subdivisions (b) and (c), in that Respondent was convicted of a
7 crime involving the consumption of alcohol. Complainant refers to, and by this reference
8 incorporates, the allegations set forth above in paragraph 11, as though set forth fully.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board issue a decision:

- 12 1. Revoking or suspending Registered Nurse License No. 713897, issued to Lori Jean
13 Klees;
14 2. Ordering Lori Jean Klees to pay the Board the reasonable costs of the investigation
15 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: 8/17/10

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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23 accusation.rtf
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